REGISTER OF CLASSIFICATION DECISIONS

Date of entry in Register:	21 December 1998
Name of applicant/court:	Michael Philip Alexander Coote
Applicant to the Labelling Body:	Not Applicable
Title of Publication:	The 120 Days of Sodom and Other Writings
Other Known Titles:	Not Stated
Director:	Not Applicable
Producer:	Not Applicable
Publisher:	Arrow Books Ltd
Author:	The Marquis de Sade
Format:	Book
Country of Origin:	Great Britain
Language:	English

Components of film originally examined: Not Applicable.

Feature: Running time:

Trailers: Running time:

Total Running time:

Excision/Alteration: Not Applicable.

Reason(s) for Excision:

Not Applicable.

Classification Decision:

Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

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Display Conditions:

That when the publication is on public display, the classification given to the publication must be shown on the publication; or any package in which the publication is kept
and
That the publication must be publicly displayed only in a sealed package.

Descriptive Note:

Not Applicable.

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Direction to issue a label has been given on: Not Applicable

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SUMMARY OF THE REASONS FOR DECISION:

The book *The 120 Days of Sodom and Other Writings* is classified as:
Objectionable except if the availability of the publication is restricted to persons who have attained the age of 18 years.

The book contains various writings of the eighteenth century French writer, the Marquis de Sade, as well as academic essays on his writings by well known philosophers. The major component of the book is the unfinished novel *The 120 Days of Sodom* which contains numerous explicit and shocking descriptions of sexual activity (including sex with children and young persons), sexual violence, urination, defecation, violence, cruelty and torture, all within a sexualised context. It also describes sexual and physical conduct of a highly degrading nature, and presents women as a class as being inherently inferior. The novel contains a central and pervasive theme of sexual satisfaction being derived from inflicting or witnessing acts of cruelty or pain. Many of the descriptions, especially the tortures and coprophiliac behaviour, are shocking and extreme.

The novel is the only part of the book containing such explicit descriptions. The academic essays preceding the novel provide scholarly, historical and philosophical contexts for the novel and do not present as unequivocally endorsing Sade's views or tending to promote or support any of the activities listed in s3(2) of the Films, Videos, and Publications Classification Act 1993 (the FVPC Act). The book is considered to be a serious and scholarly work which presents some major writings of Sade, contextualises them with academic analysis and critically discusses the ideas Sade's writing raises. As such, the publication itself does not promote or support, or tend to promote or support, any of the activities listed in s3(2) of the FVPC Act.

The extent of the sexual and violent descriptions is limited by the fact that they only appear in the novel. The degree of impact of these descriptions is lessened to a limited extent by the fact that some of the activities are so extreme that they present as unrealistic fantasies, that they sometimes use outdated language which tends to distance the reader due to its unfamiliarity, and that it is the activities that are focused on rather than the victims' suffering. The effect is given at times that the reader is reading a catalogue of lists of sexual perversions and tortures rather than a piece of fiction. However, the most important factor that limits the degree of impact of these descriptions is that the academic essays provide a scholarly context for them. However, even with this context, the descriptions still have a very high degree of impact.

In determining the appropriate classification, the Classification Office has taken into account that the publication is a serious and scholarly work that contains writings of significant literary, social, cultural, educational and historical importance. The academic essays the book contains critically analyse and contextualise Sade's writings. Sade's writings, including *The 120 Days of Sodom*, have had a profound influence on writers from a variety of academic disciplines and the arts. Coherent philosophies and theories have been discerned from these works and seriously debated and analysed.

The Classification Office has considered carefully whether the extent and degree of the shocking and explicit sexual and violent descriptions is such that the availability of the book is likely to be injurious to the public good. The provisions of the New Zealand Bill of Rights Act 1990, including the freedom to "seek, receive and impart information", have been carefully weighed in this assessment so as to allow for the widest possible availability of the publication. Given the importance of these writings, the fact that they are contextualised in the book and the serious and scholarly nature of the book, the Classification Office concludes that the likelihood of injury to the public good will be sufficiently minimised if the availability of the publication is limited to adults. The disturbing nature of these descriptions make the publication inappropriate for non-adults, particularly when many of the atrocities described are against children and young persons.

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